


IN THE DISTRICT COURT WITHIN AND FOR PITTSBURG COUNTY, STATE OF OKLAHOMA	
TIMMY MURRAY, Plaintiff,	BY <u>GINDY LEDFORD</u> DEPUTY 
vs.	Case No. CJ-2016- <u>215</u>
CARDINAL TRANSPORT, INC, RICHARD W. MOORE and CANAL INSURANCE COMPANY, Defendants.	

PETITION

COMES NOW the Plaintiff, Timmy Murray, by and through his attorney, Brett D. Cable, Cable Law PLLC, McAlester, OK, and for his cause of action against the Defendants, Cardinal Transport, Inc., Richard W. Moore and Canal Insurance Company alleges and states as follows:

FACTS COMMON TO ALL CAUSES OF ACTION

1. Plaintiff, Timmy Murray, ("Plaintiff") is and was a resident of Krebs, Pittsburg County, Oklahoma, prior to the subject accident and continues to this date to reside in Krebs, Oklahoma.

2. Upon information and belief, Defendant, Richard W. Moore ("Defendant Moore"), resides at 1011 White Oak, Poplar Bluff, MO, 63901.

3. Upon information and belief, Defendant Cardinal Transport, Inc. ("Defendant Cardinal") is a foreign corporation which is not registered with the Oklahoma Secretary of State to do business in the State of Oklahoma, incorporated in the State of Illinois, with its principal place of business at 7180 East Reed Road, Coal City, IL, 60416.

4. Upon information and belief, Defendant, Canal Insurance Company, ("Defendant Canal") is domiciled in the State of South Carolina, but is licensed to do business in the State of

Oklahoma; was the liability insurance carrier for Defendant, Cardinal Transport, Inc., and authorized carrier under Oklahoma law; that said law allows a direct action against the liability insurance company for such carriers; and that upon judgment herein.

5. Venue is proper in Pittsburg County as it is the residence of Plaintiff and collision resulting in this litigation occurred in Pittsburg County.

6. At all times relevant to this cause of action, Defendant Moore was an employee of Defendant Cardinal, and was at all times acting within his course and scope of employment. Defendant Cardinal is named herein by and through the doctrine of Respondeat Superior.

7. On or about September 24, 2014, Plaintiff Murray was driving a 2009 Ford F150 northbound on US Highway 69 in McAlester, Pittsburg County, Oklahoma. Defendant Richard W. Moore, in the course and scope of his employment with Cardinal Transport, was driving a 1999 International tractor/trailer northbound on US Highway 69 in McAlester, Pittsburg County, Oklahoma. The Plaintiff slowed down for a turning vehicle ahead of him; Defendant Moore was following too closely and negligently collided with the rear of Plaintiff's vehicle, causing personal injuries to Plaintiff.

FIRST CAUSE OF ACTION

8. Paragraphs 1 through 7 are incorporated by reference.

9. Plaintiff states that his injuries were the direct results and proximately caused by the negligence of the Defendants in the following particulars, to-wit:

- A. Defendant Moore drove his tractor/trailer into the rear of Plaintiff's vehicle;
- B. Defendant Moore failed to maintain a safe following distance;
- C. Defendant Moore was not driving his vehicle in a manner that was

reasonable and proper taking into consideration all of the circumstances and conditions then and there existing;

- D. Defendant Moore drove his tractor/trailer in a manner that he did not maintain proper control thereof;
- E. Defendant Moore was inattentive and is careless in his driving.

10. At the time of impact Plaintiff was thrown about the interior of his vehicle and suffered personal injuries that are severe, permanent, painful and disabling in nature.

11. Defendant Cardinal Transport negligently entrusted its vehicle to Defendant Moore.

12. Defendant Cardinal Transport negligently hired Defendant Moore.

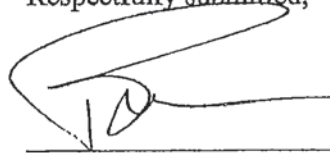
13. Defendant Cardinal Transport negligently trained Defendant Moore.

14. For his injuries, Plaintiff has been required to seek medical treatment and may be required to seek medical treatment in the future. Plaintiff has suffered mental anguish and physical pain and suffering from his injuries and he will suffer mental anguish, physical pain and suffering in the future. Plaintiff has suffered scarring and disfigurement. Plaintiff has suffered past loss of wages and he will suffer an impairment to his earning ability in the future because of his injuries. Plaintiff also claims damages for loss of enjoyment of life. Plaintiff has suffered past damages described herein and will suffer future damages described herein for which Plaintiff claims total damages in an exact amount which will be proven at trial in excess of \$75,000.00.

WHEREFORE, the Plaintiff, Timmy Murray, prays for judgment against the Defendants, Cardinal Transport, Inc., Richard W. Moore and Canal Insurance Company, in an amount in excess of \$75,000.00, the exact amount of which will be ascertained and proven a trial, together with his costs, attorney fees and such further and other relief to which he may show himself

entitled.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B. Cable", written over a horizontal line.

Brett D. Cable, OBA #19426

CABLE LAW PLLC

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Attorney for Petitioner

ATTORNEYS LIEN CLAIMED
JURY TRIAL DEMANDED